

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

TYRONE MCGHEE,	)	CASE NO. 1: 07 CV 1408
	)	
Petitioner,	)	
	)	JUDGE DONALD C. NUGENT
v.	)	
	)	
KHELLEH KONTEH, Warden,	)	<u>MEMORANDUM OPINION</u>
	)	<u>AND ORDER</u>
Respondent.	)	

This matter comes before the Court upon the Report and Recommendation of Magistrate Judge George J. Limbert. The Report and Recommendation (ECF # 9), filed on January 25, 2008, is ADOPTED by this Court, and Petitioner's Petition for Writ of Habeas Corpus (ECF # 1), filed pursuant to 28 U.S.C. § 2254, on May 15, 2007, is denied.

Pursuant to Local Rule 72.2, this matter was referred to Magistrate Judge Limbert for the preparation of a report and recommendation. On January 25, 2008, Magistrate Judge Limbert recommended that this Court dismiss Petitioner's Petition with prejudice. On January 29, 2008, Petitioner filed objections to the Report and Recommendation. (ECF # 10.)

The Court has reviewed the Report and Recommendation *de novo*. See *Thomas v. Arn*, 474 U.S. 140 (1985). Moreover, it has considered all of the pleadings, affidavits, motions, and filings of the parties. Despite Petitioner's assertions to the contrary, the Court finds Magistrate Judge Limbert's Report and Recommendation to be well-written, well-supported, and correct. The Court likewise finds that Petitioner's ground for relief lacks merit, given that: (1) the Ex Post Facto Clause is inapplicable and (2) Petitioner was afforded sufficient notice, fair warning, and process. As such, the Court finds Petitioner's objections to the Report and Recommendation

to be lacking in merit. Therefore, the Report and Recommendation (ECF # 9) is ADOPTED in its entirety, the Petition for Writ of Habeas Corpus is DISMISSED WITH PREJUDICE (ECF # 1), and Petitioner's objections are thereby DENIED (ECF # 10).

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); FED. R. APP. P. 22(b).

IT IS SO ORDERED.

s/ Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATE February 1, 2008